

section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrates” substituted for “United States commissioners” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

“Customs Service” substituted for “Bureau of Customs” in subsec. (b) pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

In subsecs. (b) and (e), “Department of Commerce” substituted for “Department of the Interior” and “Secretary of Commerce” for “Secretary of the Interior” pursuant to Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

§ 960. Commissions’ functions not restrained by this chapter or State laws

None of the prohibitions contained in this chapter or in the laws and regulations of the States shall prevent the commissions from conducting or authorizing the conduct of fishing operations and biological experiments at any time for the purpose of scientific investigations as authorized by the conventions, or shall prevent the commissions from discharging any of its or their functions or duties prescribed by the conventions.

(Sept. 7, 1950, ch. 907, § 11, 64 Stat. 779.)

§ 961. Authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this chapter, including—

(a) contributions to each commission for the United States share of any joint expenses of the commission and the expenses of the United States Commissioners and their staff, including personal services in the District of Columbia and elsewhere;

(b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, or section 5731(a) of title 5;

(c) printing and binding without regard to section 501 of title 44, or section 5 of title 41;

(d) stenographic and other services by contract, if deemed necessary, without regard to section 5 of title 41; and

(e) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (includ-

ing passenger-carrying vehicles), boats and research vessels.

(Sept. 7, 1950, ch. 907, § 12, 64 Stat. 780.)

CODIFICATION

In par. (b), “subchapter I of chapter 57 of title 5, or section 5731(a) of title 5” substituted for “the Travel Expense Act of 1949, or section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In par. (c), “section 501 of title 44” substituted for “section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111)” on authority of Pub. L. 90-620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

§ 962. Reduction of bycatch in eastern tropical Pacific Ocean

The Secretary of State, in consultation with the Secretary of Commerce and acting through the United States Commissioners, shall seek, in cooperation with other nations whose vessel¹ fish for tuna in the eastern tropical Pacific Ocean, to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The bycatch reduction program shall include measures—

(1) to require, to the maximum extent practicable, that sea turtles and other threatened species and endangered species are released alive;

(2) to reduce, to the maximum extent practicable, the harvest of nontarget species;

(3) to reduce, to the maximum extent practicable, the mortality of nontarget species; and

(4) to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.

(Sept. 7, 1950, ch. 907, § 15, as added Pub. L. 105-42, § 7(c), Aug. 15, 1997, 111 Stat. 1138.)

CODIFICATION

Section 7(c) of Pub. L. 105-42, which directed the addition of this section at the end of the Tuna Conventions Act, was executed by adding this section at the end of the Tuna Conventions Act of 1950, to reflect the probable intent of Congress.

EFFECTIVE DATE

Section effective upon certification by Secretary of Commerce that sufficient funding is available to complete first year of study required by section 1414a(a) of this title and that study has commenced, and certification by Secretary of State to Congress that binding resolution of Inter-American Tropical Tuna Commission or other legally binding instrument establishing International Dolphin Conservation Program has been adopted and is in force, see section 8 of Pub. L. 105-42, set out as an Effective Date of 1997 Amendment note under section 1362 of this title.

CHAPTER 16A—ATLANTIC TUNAS CONVENTION

Sec.
971.
971a.

Definitions.
Commissioners.

(a) Appointment and number; selection of Chairman; rules of procedure; term.

¹ So in original. Probably should be “vessels”.

- Sec.
- (b) Alternate Commissioners.
 - (c) Compensation.
 - (d) Travel expenses.
 - 971b. Advisory committee.
 - 971b-1. Species working groups.
 - 971c. Authority of Secretary of State; cooperative enforcement agreements.
 - (a) Recommendations from Commission.
 - (b) Enforcement agreements.
 - 971d. Administration.
 - (a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement.
 - (b) Primary enforcement responsibility.
 - (c) Regulations and other measures to carry out Commission recommendations.
 - (d) Recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish.
 - 971e. Violations.
 - (a) In general.
 - (b) Failure to furnish returns, records, or reports.
 - (c) Refusal of request to board and inspect vessel.
 - (d) Importation of ineligible species or species under investigation.
 - (e) Sanctions.
 - (f) Forfeiture.
 - (g) Applicability of other laws.
 - 971f. Enforcement.
 - (a) Particular powers.
 - (b) International enforcement.
 - (c) Bonds or stipulations.
 - 971g. Cooperation in carrying out Convention.
 - (a) Federal and State agencies; private institutions and organizations.
 - (b) Scientific and other programs; facilities and personnel.
 - (c) Fishing operations and biological experiments.
 - (d) State jurisdiction; preemption by Federal regulations.
 - (e) Continuing review of State laws and regulations.
 - 971h. Authorization of appropriations.
 - (a) In general.
 - (b) Allocation.
 - 971i. Research on Atlantic highly migratory species.
 - (a) Omitted.
 - (b) Highly migratory species research and monitoring.
 - 971j. Annual report.
 - 971k. Savings clause.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 971i, 1854, 3377 of this title.

§ 971. Definitions

For the purpose of this chapter—

(1) The term “Convention” means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.

(2) The term “Commission” means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.

(3) The term “conservation recommendation” means any recommendation of the Com-

mission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section 971c(a) of this title.

(4) The term “Council” means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.

(5) The term “exclusive economic zone” means an exclusive economic zone as defined in section 1802 of this title.

(6) The term “fishing” means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.

(7) The term “fishing vessel” means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(8) The term “Panel” means any panel established by the Commission pursuant to article VI of the Convention.

(9) The term “person” means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(10) The term “Secretary” means the Secretary of Commerce.

(11) The term “State” includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(Pub. L. 94-70, § 2, Aug. 5, 1975, 89 Stat. 385; Pub. L. 94-265, title IV, § 405(a), Apr. 13, 1976, 90 Stat. 361; Pub. L. 95-33, § 2, May 26, 1977, 91 Stat. 173; Pub. L. 104-43, title III, § 303(1), (2), Nov. 3, 1995, 109 Stat. 384; Pub. L. 105-384, title II, § 202(b)(1)(A), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

AMENDMENTS

1998—Pars. (4), (5). Pub. L. 105-384 renumbered par. (4) defining “exclusive economic zone” as par. (5) and made technical amendment to reference in original act which appears in text as reference to section 1802 of this title.

1995—Par. (3). Pub. L. 104-43, § 303(1), added par. (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 104-43, § 303(2), added par. (4) defining “exclusive economic zone”. Former par. (4) redesignated (5).

Pub. L. 104-43, § 303(1), redesignated par. (3) defining “Council” as (4).

Par. (5). Pub. L. 104-43, § 303(2), struck out par. (5) which read as follows: “The term ‘fisheries zone’ means the waters included within a zone contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured; or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States.”

Pub. L. 104-43, § 303(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pars. (6) to (11). Pub. L. 104-43, § 303(1), redesignated pars. (5) to (10) as (6) to (11), respectively.

1977—Par. (4). Pub. L. 95-33 struck out the comma between “zone” and “contiguous”, substituted “two hundred” for “200”, and substituted a semicolon for a comma after “is measured”.